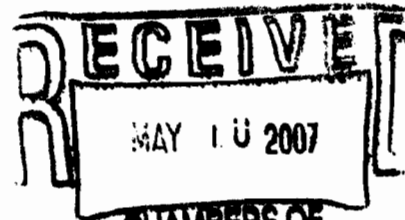




NEED ENDORSED



CHAMBERS OF  
GERARD E. LYNCH

U.S.D.J. LESLIE G. LEACH  
EXECUTIVE DEPUTY ATTORNEY GENERAL  
STATE COUNSEL DIVISION

ANDREW M. CUOMO  
ATTORNEY GENERAL

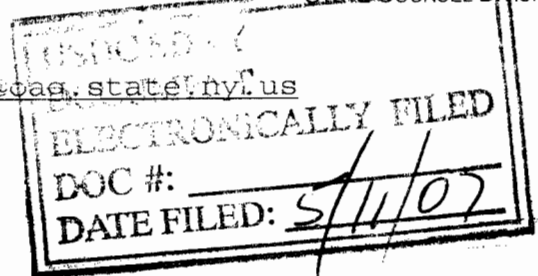
STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL:  
(212) 416-8534

Matthew.Silverman@oag.state.ny.us

May 9, 2007

Honorable Gerard E. Lynch  
United States District Court Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007



Re: Bernstein v. Pataki, et al; 05-CV-1322 (GEL) (THK)

Dear Judge Lynch:

This office represents the Defendants in this proposed class action. Defendants write to request an extension of time to answer the Complaint. Plaintiffs, who were involuntarily committed patients at Kirby Forensic Psychiatric Facility ("Kirby"), allege that they are entitled to a judicial hearing on the issue of whether they should be retained in a secure versus a non-secure psychiatric facility. The Court dismissed this action on December 23, 2005 after considering Defendants' Motion to Dismiss. Pursuant to a mandate issued on May 2, 2007, the dismissal was vacated by the United States Court of Appeals for the Second Circuit, and the case was remanded for further proceedings.

Defendants' answer is due on May 16, 2007. Defendants are requesting an extension of time up to and including May 31, 2007 to file an answer. As the new attorney appearing on this case, this extension will allow me to confer with the Defendants and research the allegations in Plaintiffs' complaint. I have conferred with Plaintiff's counsel, Sadie Zea Ishee, and she consents to this extension of time. There have been no previous requests for extensions of time to answer this complaint.

\*SO ORDERED

*Gerard E. Lynch*

GERARD E. LYNCH, U.S.D.J.


5/10/07

To: Honorable Gerald Lynch, U.S.D.J.  
Re: Bernstein v. Pataki

May 9, 2007  
Page 2

I appreciate your consideration of this request.

Respectfully yours,



Matthew Silverman (4595)  
Assistant Attorney General

cc: Sadie Zea Ishee, Esq.